

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Proposal: Amendments to the Land Use Code to allow projects with Master Use Permit decisions issued prior to May 31, 2012 that include a streetcar maintenance base use to change that use to one or more other uses permitted in the zone and retain its entitlement, including a permitted height of 130 feet, if the applicant acquires and installs a new freestanding manufactured public restroom structure meeting City standards. Minor changes to rooftop features and sustainability metrics are also proposed. The DNS also include issuance of a permit for public toilet construction and installation in a public right-of-way and other permits as needed.

Project Proponent: Department of Planning and Development

Location of Proposal: The proposal is a related non-project action and project action : amendments to the Land Use Code (non-project action) and future right-of-way permit(s) to install a public restroom (project action), generally applicable within the Pioneer Square area.

SUMMARY OF PROPOSED ACTION

The proposal is to amend Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development meeting certain requirements to attain a maximum height of 130 feet when a freestanding manufactured public restroom structure is provided and amending provisions for green building performance and roof-top features; and issuance of needed construction/installation permit(s) for a public restroom.

The following approval is required:

SEPA - Environmental Conditions - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND

Proposal Description

The City of Seattle's Departments of Transportation (SDOT) and Planning and Development (DPD) are proposing to, respectively, issue a SDOT construction permit and any other required permits for installation of a public restroom in the right-of-way within the Pioneer Square Preservation District and, in a related DPD non-project action, to amend the land use code to allow projects with Master Use Permit decisions issued prior to May 31, 2012 that include a streetcar maintenance base use to change that use to one or more other uses permitted in the zone

**SEPA Determination, Pioneer Square Height Amendments
May 31, 2013**

and retain its entitlement, including a permitted height of 130 feet, if the applicant acquires and installs a new freestanding manufactured public restroom structure meeting City standards. Minor changes to rooftop features and sustainability metrics are also proposed.

Public Comments

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments at an upcoming City Council Public Hearing.

ANALYSIS - SEPA

This proposal is a project action (issuance of a construction/installation permit) and a related non-project action to adopt legislation. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated May 24, 2013. The information in the checklist, a copy of the proposed text changes, and the experience of the lead agency with review of similar actions form the basis for this analysis and decision.

ELEMENTS OF THE ENVIRONMENT

Neither the project action (issuance of a construction/installation permit) nor the non-project action (adoption of the proposed amendments) would result in any non-speculative impacts. Issuing a construction permit will result in a public toilet being installed in the right-of-way in the Pioneer Square neighborhood. The checklist does not disclose any likely impacts on elements of the environment by issuance of such a permit or operation of the facility. As to the non-project action, the checklist does not disclose any reasonably likely impacts from adopting the Code amendments. As described below, very similar amendments to the same Code sections in 2007 (Ordinances 122605, amending 23.66.140, Ordinance 122330, amending 23.49.178) were also found to have no significant impacts. The proposed amendments are closely related to the 2007 amendments and also have no significant impacts. If adopted, the elements of the environment subject to SEPA analysis are not likely to be affected by a greater intensity or faster rate of development than if the Code amendments were not adopted.

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

Project action: There will be minor disturbance to these elements when the construction/installation takes place as allowed by the permit. Application of existing requirements and standards for construction in the ROW and utility connects are sufficient to mitigate any impacts to the natural environment. Connections to public utilities necessary for operation of the public toilet are categorically exempt under SEPA (25.05.800 X).

Non-project action: Adoption of the proposed amendments would not result in any direct impacts. Because the applicant's vested right to height has already been analyzed in the context of the 2007 ordinance (Ordinance 23.49.178) and found to have no significant impacts, maintaining that entitlement (as adoption of the amendment will allow) would not have any additional impacts in addition to those already analyzed. Changes to the rooftop features and

sustainability metrics have also been largely analyzed in the 2007 ordinance (Ordinance 122605) and, similarly, were found not to have any significant impacts. Adopting the minor changes to terminology and metrics will not have any measurable impact on the elements of the natural environment

Should development take place on the parcel affected by the proposed amendments, it would allowed be evaluated as required by law for any environmental impacts. This evaluation would take place at the project level and would identify any relevant mitigation. As part of the evaluation, the City's regulations would be applied, including the Stormwater, Grading and Drainage Ordinance, the Environmentally Critical Areas Ordinance, and other City ordinances such as those governing noise and odor.

Built Environment

Land & Shoreline Use, Height/Bulk/Scale, Transportation, Public Services and Utilities

Project action: There could be minor temporary interruptions to transportation, public services and utilities when the construction/installation takes place as allowed by the permit. These would not rise to the level of significant impacts contemplated by SEPA. Application of existing requirements and standards for construction in the ROW and utility connects are sufficient to mitigate any impacts. to the natural environment. Connections to public utilities necessary for operation of the public toilet are categorically exempt under SEPA (25.05.800 X).

Non-project action: As noted above, the entitlement granted by the 2007 ordinance was analyzed at that time and no significant impacts were found. Similarly, maintaining that entitlement by provision of a different public benefit (a toilet instead of a streetcar maintenance base) will not result in any new impacts not already analyzed. As noted above, the previous changes to standards for rooftop features and sustainability metrics were also analyzed in 2007 and were found not to have any significant impacts. Adopting the current proposal's minor changes to terminology and metrics will not have any measurable impact on the elements of the built environment.

Future projects developed pursuant to the provisions of the proposal will require permits, review and project approvals as provided for in the Seattle Municipal Code and will be subject to environmental review as required.

Land Use Compatibility and Relationship to Plans and Policies:

Allowing a change to the public benefit by which the additional height entitlement is retained is compatible with the adopted plans for Pioneer Square, which encourage, among other goals and policies, civility and a welcoming atmosphere to residents, visitors and business customers. Statements supporting this goal were published in the June 2010 plan: "Pioneer Square 2015- A Strategy for Seattle's First Neighborhood."

This decision was made after review by the responsible official, on behalf of the lead agency, of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

☒ [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

☐ [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

DECISION - SEPA

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Signature: _____ Date: _____
Kristian Kofoed, Senior Urban Planner
Department of Planning and Development